

# **EXHIBIT A**

VOLUME: I  
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EXHIBITS: One

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action  
No. 04 CV 10746 JLT

IVAN SANTIAGO, )  
Plaintiff, )  
v. )  
WILLIAM J. FEENEY, )  
MARCUS EDDINGS, and )  
the CITY OF BOSTON, )  
Defendants. )

DEPOSITION of IVAN SANTIAGO, a  
witness called on behalf of the Defendants,  
pursuant to the applicable provisions of the  
Federal Rules of Civil Procedure, before  
Myriam A. Maracas, Registered Professional  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the  
City of Boston Law Department, City Hall,  
Boston, Massachusetts, on Tuesday, January  
18, 2005, commencing at 1:20 p.m.

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## APPEARANCES:

## HRONES AND GARRITY

(by Stephen Hrones, Esq.)  
Lewis Wharf, Bay 232, Boston, MA  
02110-3927, for the Plaintiff.

## CITY OF BOSTON LAW DEPARTMENT

(by Stephen G. Cox, Esq.)  
City Hall, Boston, MA 02201,  
for the Defendants.

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## PROCEEDINGS

MR. COX: I'll put the usual  
stipulations on the record.

MR. HRONES: Yes.

MR. COX: All objections, except as  
to form, are reserved until trial. Motions  
to strike are reserved until trial. Will  
the witness read and sign?

MR. HRONES: Yes.

MR. COX: The witness will read and  
sign. We'll waive the notary. Is 30 days  
okay?

MR. HRONES: Fine.

## IVAN SANTIAGO

A witness called for examination by  
counsel for the Defendants, having been  
first duly sworn, was examined and testified  
as follows:

## DIRECT EXAMINATION

BY MR. COX:

Q. Good afternoon.

A. Hi.

Q. My name is Stephen Cox and I represent the  
City of Boston and Police Officers William

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Testimony of: Direct Cross

Ivan Santiago

(by Mr. Cox) 4

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Feeney and Marcus Eddings. We're going to  
ask you some questions today about the  
complaint that you brought; and before we  
start, I'll just tell you a few groundrules  
to keep in mind so it goes smoothly.

First, have you ever had your  
deposition taken before?

A. Is it what we're doing?

MR. HRONES: Don't ask. Look at  
me. Just listen to him.

Q. Have you ever been questioned in a situation  
like this?

A. Yes.

Q. And when was that?

A. That was when I went to talk to Attorney  
Hrones about this situation.

Q. And aside from that, any other times?

A. No, sir.

Q. Wait until I finish asking a question before  
you give an answer because everything that  
we're saying is being taken down, so we  
don't want to talk over each other. Keep  
your voice up. If at any point you don't  
understand a question or something is not

2 (Pages 2 to 5)

1 A. At that point, when they took him, they  
2 brought her up.  
3 Q. Was that before or after they took Rolando  
4 out, if you remember?  
5 A. She was there before they took him out. I  
6 was on the same spot on the sofa the whole  
7 time. They brought her out. She sat about  
8 like a good angle from me.  
9 Q. In the hallway?  
10 A. In the hallway, yes. There was a little  
11 brown chair.  
12 Q. You made a star with a circle around it.  
13 There was a chair in the hallway and was she  
14 handcuffed when they brought her out of the  
15 bedroom?  
16 A. No. She wasn't handcuffed at all.  
17 Q. At any point, did you see her handcuffed?  
18 A. No, she was not.  
19 Q. When they brought her out of your bedroom,  
20 where was Gabriel?  
21 A. With her.  
22 Q. Was Gabriel with her the whole time?  
23 A. Yes.  
24 Q. So she was holding him?

1 A. Yes.  
2 Q. How old was he at the time?  
3 A. Two years old.  
4 Q. And she sat in that chair in the hallway; is  
5 that right?  
6 A. She sat down on that chair with my son on  
7 her lap.  
8 Q. And it was after that that the officers came  
9 out of your son's room with Rolando?  
10 A. Yes, sir.  
11 Q. And after they left, what's the next thing  
12 that happened?  
13 A. That's when the Hispanic cop came and told  
14 the black cop that was next to me to go take  
15 him to the bathroom and search him.  
16 Q. Do you remember those specific words?  
17 A. Yes.  
18 Q. Anything else?  
19 A. No.  
20 Q. Before this was said, you said that the  
21 black officer was standing next to you?  
22 A. Yes.  
23 Q. And you were seated?  
24 A. Yes.

1 Q. And how long had he been there standing next  
2 to you?  
3 A. After the third frisk, it's like they -- how  
4 do you say it? They designated him to watch  
5 me just in case if anything happened, he  
6 was -- all three of them, they put him to  
7 watch me, basically.  
8 Q. Is that because something was said or you're  
9 just kind of assuming based on how it  
10 happened? I'm just wondering if anything  
11 was said to the officer about watching you  
12 or anything like that.  
13 A. No. He just told him to watch him and once  
14 they were searching the house, the sofa,  
15 everything, the rooms, once they took him,  
16 the Hispanic cop was right in front of my  
17 son's door. I could see him. He told the  
18 officer standing next to me to take me to  
19 the bathroom and search me.  
20 Q. And he actually said, "Take him to the  
21 bathroom"?  
22 A. Yes.  
23 Q. And could you describe what that officer  
24 looked like? You called him an Hispanic?

1 A. He was short. He had short hair. No  
2 glasses. He had no facial hair. He was  
3 kind of a little bit chubby. I can't say  
4 fat or husky. He was a little bit chubby.  
5 Q. When you say, "Hispanic," what makes you say  
6 he's Hispanic?  
7 A. Because he spoke Spanish to us. He was  
8 speaking Spanish to Jacqueline.  
9 Q. And what was he saying when he was speaking  
10 Spanish?  
11 A. I don't know.  
12 Q. Do you speak Spanish?  
13 A. Yes. Of course.  
14 Q. Could you hear what he was saying?  
15 A. I was hearing but at the time, I couldn't  
16 understand what he was saying. Like it was  
17 too much noise. I just heard him and she  
18 was talking back to him. I was still here.  
19 He's there talking to her. Then every other  
20 cop is talking. So it's hard to hear, but I  
21 heard him. That's all I heard him say.  
22 Q. When he was talking to her, was that when  
23 she was seated in the hallway?  
24 A. Yes, sir.

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1 Q. So after Rolando was taken out, this officer  
2 says to the black officer to take you to the  
3 bathroom and search you?  
4 A. Yes, sir.  
5 Q. And was Jacqueline still seated in the  
6 hallway --  
7 A. Yes.  
8 Q. -- at that time?  
9 A. Yes.  
10 Q. And was there anyone else in the living room  
11 other than the black officer? You said  
12 there were four officers total?  
13 A. Yes, four officers.  
14 Q. Where were the other two officers when this  
15 was said?  
16 A. It was in the little main entrance. Right  
17 here, I suppose.  
18 Q. You just made a line just inside the main  
19 door?  
20 A. Yes.  
21 Q. That's where the other two officers were?  
22 A. Yes.  
23 Q. And was the Hispanic officer the same  
24 officer who told Jacqueline in the beginning

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1 that they had a search warrant?  
2 A. I didn't see that. I didn't see who said  
3 what. I just heard it.  
4 Q. You just heard that?  
5 A. Yes.  
6 Q. Okay. So after the Hispanic officer told  
7 the black officer to take you to the  
8 bathroom and search you, what happened  
9 next?  
10 A. The officer told me to get up. I got up.  
11 We get to the door in the bathroom, takes  
12 off my cuffs, we go in, and he tells me to  
13 take off piece by piece first.  
14 Q. I'll just stop you there. How was he  
15 dressed, the black officer?  
16 A. He was not in uniform.  
17 Q. He wasn't in uniform?  
18 A. No, he wasn't in uniform.  
19 Q. Did you notice any of the officers wearing  
20 gloves?  
21 A. All of them.  
22 Q. All of them?  
23 A. Yes.  
24 Q. Including the black officer?

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1 A. Yes. Every officer in the house was wearing  
2 gloves.  
3 Q. Okay. Did the black officer say anything to  
4 you from the time -- were you handcuffed  
5 behind your back?  
6 A. Yes.  
7 Q. And so you stood up and walked with the  
8 officer to the bathroom in front of the  
9 bathroom?  
10 A. Mm-hmm.  
11 Q. Yes?  
12 A. Yes.  
13 Q. And did he say anything to you in the  
14 hallway before you reached the door?  
15 A. I don't remember, honestly.  
16 Q. So you would have walked past Jacqueline?  
17 A. Walked past Jacqueline and the two officers.  
18 Q. And Jacqueline was seated there with  
19 Gabriel?  
20 A. Yes.  
21 Q. And was there an officer standing with her,  
22 too?  
23 A. No.  
24 Q. She was just by herself?

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1 A. By herself.  
2 Q. And what happened to the Hispanic officer  
3 after he said that to the black officer?  
4 A. He was still on the same spot in front of my  
5 son's door. That's the last time I seen  
6 him. When he said that, he picked me up and  
7 we left. I didn't see him move or  
8 anything. That was the last place where I  
9 seen him at.  
10 Q. And so the black officer took the handcuffs  
11 off of you before you went into the  
12 bathroom?  
13 A. Yes, sir.  
14 Q. And he kept the handcuffs on him?  
15 A. Yes, he did.  
16 Q. Okay. You then went into the bathroom?  
17 A. Mm-hmm.  
18 Q. You have to answer yes or no.  
19 A. Yes.  
20 Q. And what happened? Was the door closed?  
21 A. Yes. He closed the door.  
22 Q. He closed the door?  
23 A. Yes.  
24 Q. And did he close it all the way or did he

10 (Pages 34 to 37)



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1 Q. Yes.  
 2 A. That they had to notify them, let them know  
 3 that there was a child at the time where  
 4 they were doing the raid. I don't know  
 5 which word he used, but what they were doing  
 6 with the raid. She was like, "Okay. It's  
 7 fine."  
 8 Q. And when they left, were you aware that  
 9 drugs had been found in the apartment?  
 10 A. Oh, yes.  
 11 Q. When did you first become aware of that?  
 12 A. After they left, her brother called.  
 13 Q. So at the moment that the police left the  
 14 apartment, did you know that drugs had been  
 15 found in the apartment?  
 16 A. I don't remember if it was before or after,  
 17 because I know after he called, he spoke to  
 18 her and let her know what happened, what  
 19 they found, because they found drugs in his  
 20 rectum. That's why the Hispanic officer  
 21 told the black officer to come and check me  
 22 because right after they took him from my  
 23 son's room, the Hispanic officer told him to  
 24 go in the bathroom and search me, but I

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1 didn't find out until her brother called.  
 2 Q. So how long after the police left did  
 3 Rolando call the apartment?  
 4 A. Five minutes.  
 5 Q. And when he called, did you speak to him at  
 6 all?  
 7 A. No.  
 8 Q. Where was the phone in the apartment, if you  
 9 remember?  
 10 A. We had a cordless.  
 11 Q. And so Jacqueline answered the phone?  
 12 A. Yes.  
 13 Q. And were you aware that she was speaking to  
 14 Rolando?  
 15 A. Yes.  
 16 Q. And what do you remember hearing her say to  
 17 him?  
 18 A. She was telling him about the house. They  
 19 broke this, they broke that. Simple stuff,  
 20 but I can't remember anything besides that.  
 21 I can't.  
 22 Q. Okay. And just to back up, because we  
 23 skipped over, when the officers left the  
 24 apartment, what's the first conversation --

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1 what was the first thing that was said  
 2 between you and Jacqueline?  
 3 A. I let her know what just happened.  
 4 Q. And what do you remember saying to her  
 5 specifically?  
 6 A. That when he took me to the bathroom, he  
 7 told me to take off my clothes piece by  
 8 piece, told me to bend over, and I told her  
 9 that he stuck his finger up. That's what I  
 10 told her.  
 11 Q. And when you were telling her this, where  
 12 were you? Were you in the living room?  
 13 A. Yes. We were in the same facility right  
 14 here. She was right there talking on the  
 15 phone.  
 16 Q. So in the same area?  
 17 A. Yes.  
 18 Q. And this was a conversation that you had  
 19 with Jacqueline before Rolando called?  
 20 A. Yes, so then when he called --  
 21 Q. I'm sorry to interrupt, but did she tell you  
 22 that any drugs had been found?  
 23 A. Yes. She asked her brother, "Did they find  
 24 anything?" And then he said, "Yes. They

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1 found drugs in my son's stuffed animal."  
 2 That's where he was keeping it at.  
 3 Q. Are you aware that any ammunition was found  
 4 in a hole in the wall?  
 5 A. Yes.  
 6 Q. And was that in the living room?  
 7 A. That was behind where I was. That was  
 8 behind where I was. I was sitting on this  
 9 sofa. Behind me, there was this thing.  
 10 That hole was already there, but we did know  
 11 about that and stuff.  
 12 Q. So you were there when the police found  
 13 that?  
 14 A. Yes.  
 15 Q. To your understanding, did they find that on  
 16 their own or did they specifically go there  
 17 to find the hole?  
 18 A. Jacqueline told them.  
 19 Q. Jacqueline told them where it was?  
 20 A. Yes.  
 21 Q. Okay. So after Jacqueline spoke to Rolando,  
 22 did she tell you anything that he said?  
 23 A. Let me see if I can remember. She told him  
 24 about what happened to me. Then I think

13 (Pages 46 to 49)

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1 from what she said, that he spoke to his  
 2 lawyer or something, and said that he was  
 3 going to speak because he didn't know that  
 4 that was the right thing. I thought it was  
 5 part of the procedure, to tell you the  
 6 truth. They ran my name. I told her that  
 7 was the first time that ever happened to  
 8 me. So I thought it was part of the  
 9 procedure. So she felt like it wasn't.  
 10 They raided my house. I was clean. They  
 11 frisked me three times. I had nothing to do  
 12 with the whole incident. I wasn't the one  
 13 that they were looking for; but yes, yet,  
 14 they still went ahead with the cavity  
 15 search.  
 16 Q. And you said they ran your name. When did  
 17 they do that?  
 18 A. After the second frisk, they ran my name.  
 19 Then they ran her name at the same time.  
 20 Q. And how did they do that? Did they have --  
 21 A. They had walkie-talkies or whatever you call  
 22 them things.  
 23 Q. So the officer who was in the living room  
 24 kind of called in your --

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1 A. My name.  
 2 Q. And how did he get your information? Did  
 3 the officer just ask you?  
 4 A. Yes.  
 5 Q. Did he take any identification from you?  
 6 Was any identification taken from you at any  
 7 point?  
 8 A. I don't remember if I gave him my license or  
 9 not. They just asked me for my name. Yes,  
 10 he just asked me for my name, and they ran  
 11 it down and it came out clean.  
 12 Q. I'm sorry. So you were telling me what she  
 13 was telling you that Rolando said and there  
 14 was something about him speaking to his  
 15 lawyer?  
 16 A. About a lawyer to see if what happened to me  
 17 was accurate or not; and basically, he spoke  
 18 to -- I think he called -- I don't know when  
 19 was the next time he called, but I know he  
 20 called. I wasn't there because after this,  
 21 I was stressing.  
 22 Q. Well, just to try and take this  
 23 chronologically so it makes sense, after  
 24 Rolando called and Jacqueline spoke to him,

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1 what's the next thing that you remember  
 2 happening?  
 3 A. They were just talking.  
 4 Q. So she gets off the phone and she tells  
 5 you --  
 6 A. What he said.  
 7 Q. Did the two of you stay in the apartment  
 8 that day?  
 9 A. Yes. We cleaned up the apartment; and later  
 10 on that night, she called her mother.  
 11 Q. Later on that night?  
 12 A. Around eight or nine o'clock that night.  
 13 Q. And where was she and where were you when  
 14 she called your mother?  
 15 A. I don't remember that.  
 16 Q. But you remember her speaking to her mother?  
 17 A. Yes.  
 18 Q. And do you remember hearing anything that  
 19 she said?  
 20 A. No, sir.  
 21 Q. After she got off the phone, did she tell  
 22 you about anything that was said?  
 23 A. She basically told me that she thinks that I  
 24 had a case in my hands, you know, because of

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1 how everything went. So that's basically  
 2 it.  
 3 Q. And is that something that her mother had  
 4 told her or is Jacqueline telling you what  
 5 she thought?  
 6 A. It was just a suggestion. Like her brother  
 7 gave her this suggestion. It wasn't  
 8 something we were going to be like, yes, we  
 9 are taking them to court. Just to find out  
 10 some information, so that's how she went  
 11 about it. She asked her brother to talk to  
 12 his lawyer to find information, let them  
 13 know what happened, to see if this was  
 14 right, if it was the right thing to do.  
 15 Q. And you said that Rolando called back later  
 16 that day?  
 17 A. I don't know, but I know he called back  
 18 because she said it. I don't know when or  
 19 where, what time. I don't know.  
 20 Q. Did you leave the apartment at any point  
 21 that day?  
 22 A. Yes, I did. I went to go take a walk.  
 23 Q. And when did you do that?  
 24 A. I would say in the afternoon. From

14 (Pages 50 to 53)

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1 honestly, I'm going to be honest with you,  
 2 it's just I never pay mind but now I regret  
 3 skipping school or acting up or whatever.  
 4 If I knew a little bit about raids and how  
 5 the law is about when doing these searches  
 6 and types of things, then I would have  
 7 decided right off the bat what I'm about to  
 8 do; but since I didn't know anything, I just  
 9 went along with it until I got advice. I  
 10 got advice from Jackie, from her mother.  
 11 They found information and I just decided,  
 12 I'm okay. Let's give this a shot. If this  
 13 is not right, I need to have justice for  
 14 this, because this is something that it put  
 15 me through a lot of pain.  
 16 Q. When you say, "justice for this," what do  
 17 you mean?  
 18 A. I mean, I see all around TV, accidents do  
 19 happen and people want justice for what the  
 20 other person did to them. I found out that  
 21 this is wrong, that that was illegal to do  
 22 so I want justice.  
 23 Q. Do you mean money when you say "justice"?  
 24 A. It's half and half, because I really don't

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1 care, but yes. On the other hand, yes, if  
 2 that's the only thing that I could get, you  
 3 know, but I just want him to understand what  
 4 he did was wrong.  
 5 Q. Have you seen the officer since this  
 6 happened?  
 7 A. No. I haven't seen none of them.  
 8 Q. Have you ever -- well, we established before  
 9 you haven't been to a doctor since this  
 10 incident?  
 11 A. No, I haven't.  
 12 Q. You have not?  
 13 A. No, I haven't.  
 14 Q. Your complaint alleges the emotional  
 15 distress that you suffered after this, and  
 16 we talked about that. And is it fair to say  
 17 that you -- well, let me ask you, did you  
 18 ever have any problems with feeling sort of  
 19 depressed before this incident?  
 20 A. Yes. I always felt like that. Not like  
 21 totally depressed; but I mean, I've been  
 22 through a rough, rough life. My life has  
 23 been rough. I don't want to leap into it,  
 24 but I've been through a lot; and trying to

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1 raise a family, then things not working out,  
 2 not finding a job, school and all this, it's  
 3 just basically life is rough for me. It's  
 4 been rough.  
 5 Q. I know you don't want to get too much into  
 6 it. We won't. Just tell me generally,  
 7 before this incident, when you say that  
 8 you've had a rough life and the things that  
 9 sort of affect how you feel --  
 10 A. The big thing that affected my life, it was  
 11 when I was a child. My father -- I could  
 12 literally say I had an abusive father. He  
 13 used to just -- the only one he used to beat  
 14 was my mom. He would come home drunk from  
 15 work and take it out on my mother. So me as  
 16 a kid, I used to see that. That's changed.  
 17 That's been changed now, but it was just as  
 18 a child. It was traumatizing growing up in  
 19 a household like that. It's just  
 20 stressful. I grew up and it's like I have  
 21 nightmares about it. Me and my girl got  
 22 into an argument. It's like anger. It's  
 23 like it comes back out. I was trying to get  
 24 away from that. Once I turned 18, I had to

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1 see my first son, which is Gabriel. I tried  
 2 to move on. But yet, besides everything  
 3 else, it's work, them, my parents.  
 4 Everything was just stressful, basically.  
 5 Q. Did you tell any of your friends about what  
 6 happened?  
 7 A. No, sir. I can't do that.  
 8 Q. Did you ever tell your mother about what  
 9 happened?  
 10 A. No. I told her that they came by the house  
 11 looking for me, but she knows that that's my  
 12 lawyer.  
 13 Q. You mean relating to this deposition?  
 14 A. Yes, this case.  
 15 Q. But you haven't told her about the specifics  
 16 about what --  
 17 A. No. She doesn't know.  
 18 Q. Aside from Jacqueline, have you ever spoken  
 19 directly to Jacqueline's mother about what  
 20 happened?  
 21 A. Yes. I think one time after it happened. I  
 22 think we went up -- I think so.  
 23 Q. Do you remember the conversation, what it  
 24 was about?

17 (Pages 62 to 65)



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1 A. She basically like asked me what happened,  
 2 and I told her what happened. We went into  
 3 the bathroom, take the clothes off. No. 1,  
 4 this is what he had to do; and she asked me  
 5 how do I feel. Then she gave me advice to  
 6 go to the doctors, have it checked, but I  
 7 just couldn't.  
 8 Q. Was it shortly after the incident that you  
 9 spoke to Jacqueline's mother?  
 10 A. Not shortly. It was like two or three days  
 11 when we were face to face because she lives  
 12 out in Maine. We live in Boston.  
 13 Q. So the conversation was in person, not on  
 14 the phone?  
 15 A. In person, yes.  
 16 Q. So aside from Jacqueline and Jacqueline's  
 17 mother and your attorney, have you spoken to  
 18 anyone about what happened?  
 19 A. No, sir. This is something I will keep.  
 20 Q. I'm almost done. You say the officer who  
 21 instructed the black officer to take you  
 22 into the bathroom, you had heard him  
 23 speaking Spanish?  
 24 A. Yes. This was like in the beginning, way

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1 before.  
 2 Q. Do you remember what color hair he had at  
 3 all, that officer had?  
 4 A. Yes. I think it was like -- not dark brown  
 5 but like a little light brown. Yes, like a  
 6 light brown hair.  
 7 Q. And the last time you had any contact with  
 8 Rolando was the day of this incident?  
 9 A. Yes, sir.  
 10 Q. And you had to move, you and Jacqueline and  
 11 Gabriel had to move from this apartment  
 12 because of the fact that drugs were found in  
 13 that apartment?  
 14 A. Yes, and because the landlord had to know.  
 15 I don't know if the officers told him or  
 16 not, but they sent us a letter, a notice  
 17 saying we got two weeks' notice or something  
 18 like that. So we had to leave because of  
 19 the incident, yes.  
 20 Q. You said that you threw away the gloves that  
 21 you found that were left in the bathroom.  
 22 When you were cleaning up after the search,  
 23 did you throw away any other gloves?  
 24 A. Everything.

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1 Q. Were there other gloves?  
 2 A. Yes. From all of the other cops, when they  
 3 were searching, because the whole house was  
 4 all messed up anyways so why not just take  
 5 off their gloves? They threw them on the  
 6 floor and went about their business.  
 7 MR. COX: Okay. I don't have any  
 8 other questions. If you could just sign  
 9 that down in the corner and put today's  
 10 date.  
 11 THE WITNESS: (Witness complies)  
 12 MR. COX: Thank you very much.  
 13 THE WITNESS: You're welcome.  
 14 Thank you.  
 15 (Diagram marked as Exhibit 1  
 16 for identification)  
 17 (Whereupon, the deposition was  
 18 concluded at 2:35 p.m.)  
 19  
 20  
 21  
 22  
 23  
 24

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1  
 2 DEPONENT'S ERRATA SHEET  
 3 AND SIGNATURE INSTRUCTIONS  
 4  
 5 The original of the Errata Sheet has  
 6 been delivered to Stephen Hrones, Esq.  
 7 When the Errata Sheet has been  
 8 completed by the deponent and signed, a copy  
 9 thereof should be delivered to each party  
 10 of record and the ORIGINAL delivered to  
 11 Stephen G. Cox, Esq., to whom the original  
 12 deposition was delivered.  
 13  
 14 INSTRUCTIONS TO DEPONENT  
 15 After reading this volume of your  
 16 deposition, indicate any corrections or  
 17 changes to your testimony and reason  
 18 therefor on the Errata Sheet supplied to you  
 19 and sign it. DO NOT make marks or notations  
 20 on the transcript volume itself.  
 21  
 22 REPLACE THIS PAGE OF THE TRANSCRIPT  
 23 WITH THE COMPLETED AND SIGNED ERRATA  
 24 SHEET WHEN RECEIVED.

18 (Pages 66 to 69)